

The article was alleged to be misbranded in that the statements "Calomel 75% * * * Strychnine Sulphate .6%", borne on the carton and can, were false and misleading, since it contained much less than 75 percent of calomel and less than 0.6 percent of strychnine sulphate.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27731. Misbranding of Grandma's Dia-Col. U. S. v. 140 Bottles of Grandma's Dia-Col. Default decree of condemnation and destruction. (F. & D. No. 39985. Sample No. 47783-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. It also contained less alcohol than declared on the label.

On July 26, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bottles of Grandma's Dia-Col at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, by the Park Laboratory Co., Inc., from San Antonio, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs, small proportions of camphor, menthol, and capsicum, alcohol (28 percent by volume), glycerin, and water.

The article was alleged to be misbranded in that the statement on the carton and bottle, "One Fl. Oz. Contains 38.45% Alcohol," was false and misleading since each fluid ounce of the article contained less than 38.45 percent of alcohol. It was alleged to be misbranded further in that its package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. It was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle label) "Colic and Diarrhoea Medicine * * * For The Relief Of Intestinal Cramps Colic And Diarrhoea"; (carton, in English) "Antidiarrhoeic * * * Astringent for simple diarrhoea in adults and children due to imprudent diet and to relieve the distress of the resulting pain in stomach and bowels. This preparation was formerly labeled Grandma's Colic and Diarrhoea Medicine * * * 'Diacol' is not recommended for the colic pain that is caused by Appendicitis, Gall Stones or Amoebic Dysentery. Neither is it recommended for the diarrhoea caused from pneumonia, scarlet fever, or other organic disturbances"; (carton, in Spanish) "Antidiarrheic * * * sedative of the intestinal colics which have their origin in meteorism. * * * This medicine is not recommended for the colics resulting from gall-stones or amebic dysentery, neither is it recommended for diarrheas caused by organic diseases such as pneumonia, scarlet fever, typhoid, etc."; (circular) "Formerly known as 'Grandma's Colic and Diarrhoea Remedy'. * * * is used regularly * * * for treating what is commonly known as diarrhoea and colic. * * * It will generally give prompt relief from pain in the stomach and bowels, and from intestinal cramps. If the diarrhoea is caused from eating indigestible food, unripe fruit, uncooked starchy vegetables, or spoiled food, you should first take a moderate dose of castor oil with about twenty drops of paregoric to prevent griping. As soon as the oil acts, use 'Diacol' according to directions. You never know when sudden illness is going to strike either you, or some member of your family. It is best to always be prepared to cope with such an emergency"; (brown wrapper, in English) "Diarrhoea Remedy For Diarrhoea, Colic, Dysentery, Cholera Infantum, Bloody Flux, etc."; (brown wrapper, in Spanish) "Grandma's Cure for Diarrhea A sure cure for Diarrhea, Colic, Dysentery, Colics Of Children, Tenesmus, Asiatic Cholera, etc."; (shipping carton) "* * * Colic And Diarrhoea Medicine."

On August 31, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*